IN THE UNITED STATES DISTRICT COURT EASTERN DIVISION OF TENNESEE AT GREENEVILLE

MARGARET HEDRICK)	
Plaintiffs,))	
vs.)	NO.
WAL-MART STORES EAST, LP)	JURY TRIAL DEMANDED
Defendant.)	

COMPLAINT

1. The Plaintiff, **Margaret Hedrick**, brings this civil action against the Defendant, **Wal-Mart Stores East, LP**., and files a copy of her Complaint, certified by their attorney as being true and correct for the purpose of accompanying the summons, for compensatory damages in the amount of Seven Hundred Ninety-Five Thousand Four Hundred and Fifty Dollars (\$795,450).

PARTIES

- 2. The Plaintiff, **Margaret Hedrick**, is a resident and citizen of Hamblen County, Tennessee.
- 3. The Defendant, **Wal-Mart Stores East, LP** is Delaware limited partnership with its principal place of business in Arkansas. The Defendant, **Wal-Mart Stores East, LP**, can be served through its registered agent, C.T. Corporation System, 800 South Gay Street, Suite 2021, Knoxville, Tennessee 37929-9710.

JURISDICTION & VENUE

4. Pursuant to 28 U.S.C. 1332(a), this Court has subject matter jurisdiction over the parties and the subject matter of this cause of action. The matter in

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controversy exceeds Seventy-Five Thousand (\$75,000.00) Dollars and the parties are completely diverse.

- 5. Pursuant to 28 U.S.C. § 1391(b)(2), venue is appropriate because a "substantial part of the events or omissions giving rise to the claim occurred" within this judicial district.
- 6. This Court has specific personal jurisdiction over the Defendant, **Wal-Mart Stores East, LP**, because this suit arises from the Defendant's activities within the forum state. Specifically, this suit arises from Defendant's negligence in maintaining and/or creating a hazard within the aisles of one of the Defendant's stores in Tennessee.

BACKGROUND

- 7. On or about March 8, 2020, the Plaintiff, **Margaret Hedrick**, was shopping at the Wal-Mart Supercenter #685 located at 475 Crockett Trace Drive, Morristown, Tennessee 37813.
- 8. As the Plaintiff, **Margaret Hedrick**, was browsing for merchandise, her foot contacted a rigid object that was protruding from underneath a merchandise cooler.
- 9. Upon information and belief, the protruding object was a metal flashing-type piece that was supposed to be securely connected to the bottom of the merchandise cooler.
- 9. When her foot became caught on the protruding object, the Plaintiff, **Margaret Hedrick**, fell to the floor and sustained serious injuries.

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CAUSES OF ACTION COUNT I: NEGLIGENCE

- 10. The Plaintiff, Margaret Hedrick, incorporates by reference all preceding paragraphs as if fully set forth herein.
- 11. The Defendant, Wal-Mart Stores East, LP, was negligent in the following ways:
 - Failing to properly keep its aisles free and clear of hazards;
- Failing to warn the Plaintiff and other customers of the existence of the hazard:
- Failing to properly inspect its aisles to ensure the aisles were free C. and clear of hazards:
- d. Failing to maintain the cooker in a reasonably safe condition free of trip hazards.
- 12. The Defendant, Wal-Mart Stores East, LP, had actual and/or constructive notice of the hazard.
- 13. The existence of the hazard was the direct and proximate cause of Plaintiff's injuries.
- 14. The Defendant, Wal-Mart Stores East, LP, knew or should have known of the existence of the broken and defective cooler.
- 15. The Defendant, Wal-Mart Stores East, LP, knew or should have known of the existence of the hazardous condition and that it posed a dangerous condition to customers.
- The Plaintiff, Margaret Hedrick, brings this civil action against the 16. Defendant, Wal-Mart Stores East, LP, for personal injuries and damages, medical

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bills and expenses which she was caused to receive on or about March 8, 2020.

17. The Plaintiff, Margaret Hedrick, brings this civil action against the

Defendant, Wal-Mart Stores East, LP, for personal injuries and damages, medical

bills and expenses which she was caused to receive on or about March 8, 2020.

18. The Plaintiff, Margaret Hedrick, brings this civil action against the

Defendant, Wal-Mart Stores East, LP, for injuries which she was caused to receive

on or about March 8, 2020. As a result of this accident, Margaret Hedrick has

sustained serious and disabling injuries. Said injuries to the Plaintiff have resulted in

permanent disability and have impaired her capacity for work, labor, business and the

enjoyments and pleasures of life. As a result of these injuries, Plaintiff has incurred

and shall continue to incur medical bills as well as pain and suffering.

WHEREFORE, the Plaintiff, Margaret Hedrick, asks for judgment against the

Defendant, Wal-Mart Stores East, LP, in a sum of no less than Seven Hundred

Ninety-Five Thousand Four Hundred and Fifty Dollars (\$795,450), and asks for a jury

in the trial of this cause.

Respectfully submitted,

/s/ F. Braxton Terry

F. Braxton Terry, BPR #018248

Of Counsel:

THE TERRY LAW FIRM 116 E. Main Street P.O. Box 724

Morristown, TN 37815-0724

423-586-5800 /Fax 423-587-4714

Electronic mail: brack@terry-lawfirm.com

THE TERRY LAW FIRM

ATTORNEYS AT LAW 116 EAST MAIN STREET

POST OFFICE BOX 724

MORRISTOWN, TENNESSEE 37815-0794